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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

19 CR 521 (PKC)

6 PETER BRIGHT,

7 Defendant.

Trial

8 -----x  
9 New York, N.Y.  
10 March 10, 2020  
11 10:00 a.m.

12 Before:

13 HON. P. KEVIN CASTEL,

14 District Judge  
15 -and a Jury-

16 APPEARANCES

17 GEOFFREY S. BERMAN  
18 United States Attorney for the  
19 Southern District of New York  
20 BY: ALEXANDER LI  
21 MICHAEL MAIMIN  
22 Assistant United States Attorneys

23 DAVID E. PATTON  
24 Federal Defenders of New York, Inc.  
25 Attorney for Defendant  
BY: AMY GALLICCHIO  
ZAWADI S. BAHARANYI  
Assistant Federal Defenders

Also Present:  
Elizabeth Jensen, FBI  
Ariella Fetman, Government Paralegal  
Alondra Reyes, Defense Paralegal  
Jason Fisher, Technical Support

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1 THE COURT: Good morning. Please be seated.

2 MR. LI: Good morning, Judge.

3 THE COURT: Good morning.

4 (Case called)

5 MR. LI: Good morning, your Honor.

6 Alexander Li and Michael Maimin, for the government.

7 THE COURT: Good morning to you both.

8 And good morning to special agent and paralegal.

9 And for the defendant?

10 MS. GALLICCHIO: Yes. Good morning, your Honor.

11 From Federal Defenders, Amy Gallicchio and Zawadi  
12 Baharanyi. And we have Mr. Bright. Also Alondra Reyes, the  
13 paralegal, is present.

14 THE COURT: All right. Good morning to you all.

15 So I have a number of issues that came up in letter  
16 briefing. The first one, perhaps the easiest to dispose of is,  
17 in any jury trial, unless there's an order to the contrary,  
18 civil or criminal, the parties are entitled to the jurors'  
19 names. They've always been entitled to the jurors' names. The  
20 Court follows the practice of referring to the jurors in voir  
21 dire by their juror number, not because this is an anonymous  
22 jury or any jury is an anonymous jury, but because of similarly  
23 sounding names and the dangers of mispronunciation. It has  
24 come to my attention that it is much easier for the attorneys  
25 during jury selection if I have the jurors identify themselves

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1 by juror number. You, of course, are welcome to know names and  
2 get the same information that I get about the jurors.

3 With regard to Dr. Canter, I took a look at *United*  
4 *States v. Joseph*, which is a very curious case. It was  
5 abrogated on the grounds of *United States v. Ferguson*, 676 F.3d  
6 260. But there was dictum in the opinion on the use of an  
7 expert about explicit role-playing online. And what had  
8 happened was the district court judge had excluded such  
9 evidence and, in the opinion authored by John Newman, there was  
10 this discussion of perhaps on retrial the district court might  
11 want to think of a bunch of different things.

12 And one of the things that Judge Newman said was,  
13 "Although some jurors may have familiarity with internet  
14 messaging" -- this is something written in 2008, I guess -- "it  
15 is unlikely that the average juror is familiar with the  
16 role-playing activity that the expert was prepared to explain  
17 in the specific context of sexually oriented conversation in  
18 cyberspace." Well, that's precisely the type of testimony that  
19 I allowed Dr. Canter to give at the first trial, and I'm going  
20 to allow him to give at this trial. However, there is no basis  
21 to allow him to testify that a person who engages in age  
22 role-play is less likely to desire sex with an actual minor;  
23 that, as I noted before, the Court remains guided by Daubert.  
24 And there is no basis for such testimony in the materials that  
25 have been presented to me by the defense, none outlined in

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1 Dr. Canter's report, and it's straight-up propensity evidence.  
2 So I adhere to the rulings that exist with regard to  
3 Dr. Canter.

4 Now, the government seeks to preclude, I gather,  
5 cross-examination of government witnesses as to whether there  
6 was any looking for child pornography on any electronic device  
7 of Mr. Bright's and whether any was found. I realize that  
8 there is not unanimity in the case law in this arena, including  
9 a summary order from the Eleventh Circuit. But it seems to me  
10 that the question that was asked in the last trial was  
11 appropriate, and I'm going to allow it in this trial as well.  
12 The implying that that there's a correlation between this fact  
13 and a propensity to commit the crime charged by the grand jury  
14 is a different story. I'll take it on a question-by-question  
15 basis, and the same for argument. But the general concept, the  
16 defendant will be allowed to ask the question: Was there a  
17 search done and was there any fact?

18 With that, I think we can wait for our jurors to come  
19 up and then we can get started. Thank you.

20 (Recess)

21 (Continued on next page)

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(A jury of 12 and 6 alternates was previously impaneled and sworn)

(In open court; jury not present)

THE COURT: Please be seated.

I'm going to have marked as Court Exhibit No. 1 jury instructions in this case, which my law clerk is now handing out.

We are in recess. Thank you.

MR. MAIMIN: Thank you.

THE COURT: And, Mr. Li, you can move the podium for when we commence.

MR. LI: Thank you, your Honor.

(Recess)

(Jury present)

THE COURT: You sit down as soon as you get in, and we're standing for you.

Be seated, ladies and gentlemen.

Before we begin, I have a certain set of instructions that I want to give you about the case. As you heard this morning, it's my job to instruct you as to the law that governs or controls this case. I will give you those instructions at the conclusion of the trial, and I will give them to you orally, and I will give you a written copy of the instructions, which you'll have with you in the jury room. But I have a few instructions that I will give you now.

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1           This is a criminal case. An indictment filed by a  
2 grand jury, sitting in this district, has charged the  
3 defendant, Peter Bright, with one count of attempted enticement  
4 of a minor to engage in illegal sexual activity. The  
5 indictment itself is not evidence. An indictment simply  
6 contains the charge that the government is required to prove to  
7 the satisfaction of the trial jury by proof beyond a reasonable  
8 doubt.

9           The defendant, Peter Bright, has entered a plea of not  
10 guilty to the indictment. The law presumes Mr. Bright to be  
11 innocent of the charge against him. The burden is upon the  
12 government to establish the defendant's guilt beyond a  
13 reasonable doubt with respect to each element of the offense  
14 charged. The burden of proof never shifts to the defendant in  
15 a criminal case, and the law never imposes on the defendant the  
16 obligation of doing anything in a criminal trial.

17           The presumption of innocence remains with the  
18 defendant throughout the trial, unless and until, after hearing  
19 and considering all the evidence and my final instructions on  
20 the law, you, as jurors, unanimously are convinced of the  
21 defendant's guilt beyond a reasonable doubt.

22           Until it is time to deliberate at the conclusion of  
23 the case, it's important that you keep an open mind. You must  
24 pay close attention to all of the evidence presented. Evidence  
25 consists only of testimony of witnesses, documents, and other

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1 things admitted as evidence, or stipulations agreed by the  
2 attorneys. Certain things are not evidence and must not be  
3 considered by you. I will list them for you now. Statements  
4 and arguments by lawyers are not evidence, nor are my own  
5 statements to you. I'm not a witness in this trial; none of  
6 the lawyers are witnesses in this trial.

7 In a few moments, lawyers will stand at the podium,  
8 and they will give you their view of what they believe the  
9 evidence in the case will be. That overview is not evidence.  
10 And if any lawyer states something in their opening statement  
11 or in their closing argument that is not supported by the  
12 evidence in this case, it is the evidence, and only the  
13 evidence, that you consider.

14 Questions by lawyers are not evidence. Let's say the  
15 question is asked: Isn't it true that on July 1st, 2008, you  
16 had a private meeting with Derek Jeter at Yankee Stadium? That  
17 question has no evidentiary value whatsoever. You're saying  
18 Derek Jeter 2008, Yankee Stadium, what is this all about? It's  
19 nothing. It's the answer of the witness, together with the  
20 question, that becomes evidence. If the answer is yes, now you  
21 may consider that, but the fact that a question comes out of  
22 the mouth of a lawyer does not mean anything in and of itself.

23 Objections to questions are not evidence. Lawyers  
24 have an obligation to their client to make an objection when  
25 they believe evidence is offered improperly under the rules of

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1 evidence. You should not be influenced by the fact that an  
2 objection was made or even my ruling on that objection. If the  
3 objection is sustained, ignore the question and any answer that  
4 may have been given before I said "sustained." If it's  
5 overruled, treat the answer like any other. If you're  
6 instructed that some item of evidence is received for a limited  
7 purpose only, you must follow that instruction.

8 Something else that's not evidence is testimony that  
9 the Court has excluded or stricken or I told you to disregard.  
10 That ceases to be evidence and may not be considered by you in  
11 your deliberations in this case.

12 Anything that you may have seen or heard outside the  
13 courtroom is not evidence and must be disregarded. You're to  
14 decide the case solely on the evidence presented here in the  
15 courtroom.

16 In deciding the facts of the case, you will have to  
17 decide the credibility of the witnesses; that is, how truthful  
18 and believable they are. Now, how do you decide what to  
19 believe and what not to believe? Well, you're going to listen  
20 to the witnesses, watch them and observe them, and then decide  
21 as you would decide such questions in your ordinary life. Did  
22 they know what they were talking about? Were they candid,  
23 open, honest, and truthful? Did they have a reason to falsify,  
24 exaggerate, or distort their testimony?

25 Sometimes it's not what a witness says, but how he or

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1       she says it that may give you a clue as to whether or not to  
2       accept that witness' version of an incident or event as  
3       credible or believable. In short, the way a witness testifies  
4       may play an important part in your reaching a judgment as to  
5       whether you can accept the witness' testimony as reliable.

6               You will use your common sense and good judgment to  
7       evaluate their testimony based on all the circumstances.

8               I cannot emphasize too strongly that you must keep an  
9       open mind until all the evidence is in and the trial is over.  
10       A case can be presented only step by step, witness by witness,  
11       and it would be unfair to one side or the other if you made up  
12       your mind before you have heard all the evidence.

13               We know from experience that frequently we'll hear a  
14       person give his version of an event which sounds most  
15       impressive and even compelling, and, yet, when we hear another  
16       person's version of the same events, or even the same witness  
17       cross-examined with respect to it, what seemed so very  
18       compelling and impressive may be completely weakened.

19               You will use your common sense and good judgment to  
20       evaluate the witness testimony.

21               In order to ensure that you decide the case only on  
22       the evidence and that you are not influenced in any way by  
23       anything that might occur outside the courtroom in your  
24       presence, I will give you a specific set of instructions that  
25       you must follow:

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1                   Do not discuss the case among yourselves or with any  
2 other person. What does that mean? You go back in the jury  
3 room on a break, you don't say, gee, wasn't that something or,  
4 my goodness, what did you think of that witness? No, that's  
5 discussing the case. You do not do that.

6                   You will have the opportunity, and, indeed, the duty,  
7 to discuss the case among yourselves only after all the  
8 evidence is in and the case is given to you to discuss and  
9 decide in the jury room.

10                  You're not to read anything in the newspapers or  
11 elsewhere about this case. Also, you're not to listen or view  
12 any reporting on television, radio, or internet. I don't  
13 believe that will happen in this case, but I give that  
14 instruction nevertheless.

15                  You are not to conduct research about any of the  
16 issues, names, events, terminology, laws, legal concepts,  
17 people, or any matter touching in any way upon the trial.

18                  I want you to think, and I want you to imagine, that  
19 you, if somebody you cared about, was involved in a trial with  
20 a jury. You would want that jury to follow the judge's  
21 instructions, because when you find something on the internet,  
22 it may be that it's something that, if it were known to both  
23 sides, it would be a simple explanation for, someone would have  
24 the opportunity to respond to it. They don't have that  
25 opportunity when a juror goes and does their own research.

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1 It's unfair, and it's wrong, and it's a violation of the  
2 instructions. Don't do it, please. And that includes even  
3 personalities, identities of lawyers or witnesses, et cetera.  
4 Don't. You can do it to your heart's content after the trial  
5 is over.

6 Next, do not send or receive any electronic  
7 communications about the case. This means no texting,  
8 emailing, blogging, posting information on social media, or  
9 using any other electronic communications to discuss or even  
10 mention this case. You're not going to be permitted to discuss  
11 this case even with your family and close friends.

12 You know, ladies and gentlemen, sometimes in life,  
13 it's not such a bad thing to have a little mystery in your  
14 life. So you can tell everyone, this is going to be a short  
15 trial, it will be over soon, and I'll be happy to tell you all  
16 about it, but right now, I'm under judge's orders not to  
17 discuss the case with anyone, that means you, honey, no one,  
18 and we'll talk about it when it's over. So that's an extremely  
19 important rule.

20 But when I say no texting, blogging, emailing, that  
21 means you don't say, oh, I was selected to be on a jury today,  
22 it's very interesting, and I'll tell you more when I'm off --  
23 no, you don't discuss it at all. At all. You certainly don't  
24 communicate with anyone - no witness, no fellow juror, no  
25 lawyer, no spectator - about the case. That's just forbidden.

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1                   Now, it may become necessary, in the course of the  
2 trial, to send the Court a note. Maybe it's about something  
3 you saw, you heard, you read, you experienced. You're in the  
4 jury room, and human nature being what it is, you're kind of  
5 tempted to say, gee, do I think I should tell the judge this,  
6 that, or the other thing? Don't do that. Resist the  
7 temptation. Send the note to the judge directly, to me,  
8 because sometimes there could be in a trial a reason why you  
9 would have to step aside as a juror. But if you share whatever  
10 it is with your fellow jurors, that becomes a big problem.

11                  So if you see a juror, a fellow juror, writing a note  
12 to the judge or handing a note to the judge, resist the  
13 temptation to say what was that about? There's a reason why  
14 this should be isolated to the one juror and the judge. All  
15 right?

16                  Now, you're not to allow anyone to speak to you about  
17 this case. I doubt that's going to happen here, but if you  
18 were approached by anyone to speak about it, politely tell them  
19 the judge has directed you not to do so. If anyone seeks to  
20 contact you about the case, you are required to report the  
21 incident promptly to me.

22                  Now, this is a public courtroom, so it could happen  
23 that somebody you know comes into the courtroom. If that  
24 should happen, please send me a note and let me know. The  
25 reason is, it's important that you not hear or know about what

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1 happens when the jury is not present. It may be a procedural  
2 matter that is appropriately heard by the attorneys and the  
3 Court and is not yet ready or is not permissively disclosed to  
4 the jury. So just let me know if a friend happens to come into  
5 court.

6 Now, the attorneys, the defendant, the witnesses, are  
7 instructed not to communicate, not to talk to the jury outside  
8 the courtroom, not even to offer a friendly greeting. So if  
9 you happen to see them in the elevator, they will treat you  
10 like a perfect stranger.

11 (Continued on next page)

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1                   THE COURT: And you should treat them like a perfect  
2 stranger. Oh, they know who you are. But they're following my  
3 instructions when they act like they don't know who you are.  
4 And that's it. You're not being rude. They're not being rude.  
5 You're just following the proper protocol.

6                   Finally, let me say a few words about trial procedure.  
7 The lawyers have the opportunity, but are not required to make  
8 opening statements. As I told you, the defendant has no burden  
9 whatsoever in this case, no obligation to do anything in the  
10 trial. These statements are not evidence, but just a preview.  
11 And at the end, they'll have an opportunity to sum up. What  
12 happens is a witness is called, and they're called and they are  
13 questioned by the side that called them. The government, let's  
14 say, calls a witness. Then there is an opportunity to  
15 cross-examine the witness. Again, the defendant has no  
16 obligation to cross-examine the witness. And if the witness is  
17 cross-examined, then there will be redirect, and that concludes  
18 testimony of the witness.

19                   So that's where we are. And without further adieu, I  
20 will give Mr. Li an opportunity to deliver an opening statement  
21 on behalf of the government.

22                   Whenever, you're ready, Mr. Li.

23                   MR. LI: Thank you, your Honor.

24                   We're here today because Peter Bright, that man, tried  
25 to have sex with a seven-year-old girl and a nine-year-old boy.

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1 In April of 2019, the defendant reached out online to a person  
2 he believed to be the mother of two young children. He told  
3 the mother he wanted to teach her kids about sex. Over  
4 hundreds of chat messages, the defendant described in graphic  
5 detail exactly what he meant, including inserting a finger in  
6 the girl, inserting a small toy in the girl, and having the  
7 children play with his penis. He asked for pictures of the  
8 kids and he sent the mother pictures of himself, his STD tests,  
9 and his penis.

10 Soon enough, the defendant made plans to meet the  
11 children in person. And so on one Wednesday afternoon, last  
12 May, the defendant met the mother right here in Manhattan. As  
13 they began walking to the children's home, sirens blared, and  
14 the defendant was stopped and arrested. As it turned out, the  
15 mother was really an undercover FBI agent and the defendant got  
16 caught in a sting operation. When the FBI searched the  
17 defendant, they found four condoms, two in his pocket and two  
18 in his wallet. That's why we're here today, because the  
19 defendant showed up at a meeting to have sex with two young  
20 kids.

21 Ladies and gentlemen, this opening statement is the  
22 government's opportunity to give you a preview of what we  
23 expect to prove at trial. I'd like to spend this time on three  
24 things: First, I want to explain the crime that the defendant,  
25 Peter Bright, is charged with committing; second, I want to

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1 tell you what I expect the evidence will show; third, I'll walk  
2 you through how the government will prove it.

3 So let me start with the crime. The defendant is  
4 charged with attempted enticement of a minor. And that is  
5 exactly what it sounds like. The defendant is charged with  
6 trying to persuade a seven-year-old girl and a nine-year-old  
7 boy to engage in sexual activity. That is a federal crime,  
8 regardless of whether the defendant succeeded, regardless of  
9 whether the children are real, and regardless of whether he was  
10 trying to reach the children through a third party, like an  
11 adult or an undercover agent.

12 And now I'd like to spend a few minutes on what I  
13 expect the evidence will show. But before I do that, let me  
14 just say in advance that you may find some of the evidence in  
15 this trial disturbing. We're going to present that evidence to  
16 you because it shows what the defendant said and what he did.  
17 And it's that evidence that proves the defendant is actually  
18 guilty. So here's what the evidence will show:

19 The evidence will show that in April 2019, the  
20 defendant contacted an undercover FBI agent on an online fetish  
21 network called KinkD. The undercover agent was posing as the  
22 mother of a seven-year-old girl and a nine-year-old boy, and  
23 her profile said she was looking for someone to teach her kids  
24 about the birds and the bees. I'll refer to the undercover  
25 agent as "the mother."

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1                   The defendant and the mother exchanged hundreds of  
2 messages, initially over KinkD, and then over another  
3 application called WhatsApp. In those messages, the defendant  
4 told the mother that he wanted to teach the kids how to please  
5 others and themselves. He said he could train the  
6 seven-year-old girl by putting a finger inside her, or a tiny  
7 toy, or the tip of his penis. He developed a lesson plan to  
8 teach the children about the foreskin of his penis. He sent  
9 the mother pictures of himself, his STD tests, and his penis;  
10 and he asked for pictures of the kids.

11                   In May 2019, the defendant spoke with the mother by  
12 phone. On the call, the defendant confirmed his first lesson  
13 would be to teach the children about his foreskin and he  
14 suggested that they schedule weekly lessons. The defendant and  
15 the mother made plans for the first lesson. The mother told  
16 the defendant that she would meet him outside. When they met,  
17 the defendant showed the mother his STD test results on his  
18 phone. The defendant confirmed that he was ready to meet the  
19 kids, and he started walking with the mother to the house.  
20 That piece when the FBI arrested the defendant and found the  
21 four condoms on him.

22                   But there's a twist to this story. Two days before  
23 the meeting, the defendant told the mother that he was -- and I  
24 quote: "Struck by the fear yesterday that I'd be met by a cop  
25 or something." And so with that fear on his mind, the

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1 defendant created a cover story. He created a way to protect  
2 himself in case he got caught. What he did was make a secret  
3 audio recording of the meeting with the mother. Right after he  
4 was arrested, the defendant gave the FBI his cover story. He  
5 told the FBI that he was a journalist for a technology website  
6 and that he recorded the meeting. He told the FBI that he was  
7 gathering evidence on the mother's child exploitation and that  
8 he was planning to turn over that evidence to law enforcement.  
9 But the defendant's cover story was full of holes.

10 The FBI asked the defendant what steps he had actually  
11 taken to report the mother to law enforcement. The defendant  
12 admitted he hadn't turned over the mother's phone number or  
13 username. He hadn't turned over the hundreds of messages. He  
14 didn't even tell anybody he was meeting the mother. When the  
15 FBI asked why the defendant didn't simply report the chats he  
16 had, he said he never thought of it. At the end of the day,  
17 the evidence will show that the defendant's cover story makes  
18 no sense and it is simply not consistent with what the  
19 defendant said and what the defendant did.

20 So that's what the evidence will show, that the  
21 defendant met up with someone he found online in order to have  
22 sex with her children and that he created an elaborate cover  
23 story in case he got caught. To prove it, the government will  
24 call four witnesses. First, the government will call the FBI  
25 undercover agent who posed as the mother of the children. She

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1 will walk you through the chats, the phone call, and the  
2 meeting with the defendant. You will see the chats, and you  
3 will hear portions of the call and the meeting.

4 Second, the government will call another FBI agent,  
5 who will testify that he led the team that arrested the  
6 defendant and found the four condoms on him. The agent will  
7 also tell you that he interviewed the defendant after his  
8 arrest. You will see portions of that interview, which was  
9 video-recorded, including the portion where the defendant spun  
10 his cover story.

11 Third, the government will call an investigative  
12 analyst from the U.S. Attorney's Office. The analyst will  
13 testify that he reviewed the defendant's social media for  
14 public posts about sexual activity with children. The analyst  
15 will show you what he found, including a Twitter post in which  
16 the defendant declared that age-based rape laws, the same laws  
17 that he told the FBI that he was trying to help enforce, are,  
18 quote, "stupid."

19 Finally, the government will call the editor-in-chief  
20 of the website where the defendant worked as a journalist. The  
21 editor-in-chief will testify that the defendant was not an  
22 investigative journalist. His job was to write about  
23 technology, such as Microsoft consumer technology, the  
24 defendant had never written about child exploitation, and would  
25 not have been allowed to write about that topic without first

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1 seeking approval, which he never did.

2                   Ladies and gentlemen, at the end of this case, both  
3 sides will have the opportunity to talk to you again. Between  
4 now and then, you'll see and you'll hear all of the evidence.  
5 During that time, I'd ask that you do three things: First, pay  
6 careful attention to the evidence; second, follow the Judge's  
7 instructions on the law; third, use your common sense, the same  
8 common sense you use every day, and let that common sense guide  
9 your interpretation of the evidence.

10                  If you do those three things, you will have done your  
11 duty as jurors, the defendant will get a fair trial, and you  
12 will come to the only verdict consistent with the evidence:  
13 That the defendant, Peter Bright, is guilty as charged.

14                  THE COURT: Thank you.

15                  Ms. Baharanyi?

16                  MS. BAHARANYI: Mr. Bright has no desire to have sex  
17 with children. He has never had sex with children. He's here  
18 because an undercover officer, looking for a predator, cast her  
19 net so widely that she caught a man who is innocent. That's  
20 Mr. Bright.

21                  So who is Mr. Bright? Well, Mr. Bright is a  
22 journalist. He's a self-proclaimed tech nerd, and he's a proud  
23 member of the KinkD community. When I say "KinkD," that's just  
24 any nontraditional alternative sexual practice between  
25 consenting adults. KinkD often involves role playing, fantasy,

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1 sometimes around things of bondage and submission. Mr. Bright  
2 likes kinky sex. He likes kinky sex with other kinky  
3 consenting adults. And that's what he went looking for when he  
4 logged onto the KinkD App. This app, you will hear, is for  
5 people looking for role playing, looking for fantasy, people  
6 who might be interested in dressing up, interested in bondage  
7 or submission.

8 The first thing you do when you log-on to the KinkD  
9 app is confirm that you're over the age of 18. The second  
10 thing, you create your KinkD profile. On this profile, you  
11 describe your own kinky interests. You write your interests in  
12 the profile so anyone looking at your profile can see exactly  
13 what you're into. The profile also asks you to select the  
14 roles that you want to play, gives you 29 options, roles like:  
15 "Dominant," "submissive," "baby boy" or "baby girl." You have  
16 will have a chance to look at Mr. Bright's KinkD profile. You  
17 will see that on his KinkD profile, he selected the roles that  
18 he was interested in playing. He selected "dominant." He  
19 selected "daddy." He selected "age player."

20 Now, before you walked through those doors, you may  
21 have never heard of the term "age play" or "age player" before.  
22 And that's okay. The defense will call Dr. James Canter. Dr.  
23 Canter is a clinical psychologist, a sex researcher. And he'll  
24 explain to you this phenomenon of age play, where adults  
25 role-play, one often pretending to be a different age than they

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1 actually are. Sometimes it's an adult pretending to be a  
2 preteen; sometimes it's an adult pretending to be a toddler.  
3 The adult who acts along with them plays the role of mommy or  
4 the role of daddy.

5 Now, Dr. Canter will explain age play, and you're  
6 going to hear that it's all sexual. And you may be quite  
7 confused by age play. You may be disturbed by age play.  
8 Frankly, you may not approve of adults dressing up as children  
9 and having sex with one another. And that's okay. Whatever  
10 you think about age play is between consenting adults and is  
11 perfectly legal.

12 When Mr. Bright went onto the KinkD app and messaged  
13 someone named Princessmom, he thought he'd found another person  
14 to age play with. But it turns out that Princessmom is an  
15 undercover officer. This undercover went on KinkD, this app  
16 for people who like role play and fantasy. She created a kinky  
17 profile. She gave herself the name "Princessmom," and she said  
18 that she's been kinky for two years. She selected the role of  
19 "mommy." Between the 29 different kinky options, she selected  
20 "mommy," and she said that she was looking for someone to teach  
21 her kids about the birds and the bees.

22 You will never hear the undercover refer to herself as  
23 a mother. She will never talk about her son and her daughter,  
24 and you certainly never hear Mr. Bright ask to have sex with a  
25 real seven-year-old and a real nine-year-old, contrary to what

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1 Mr. Li just told you in his opening. You're not going to hear  
2 any of that. Instead, what you'll hear, you'll hear an  
3 undercover officer talking with Mr. Bright, using the language  
4 of age play, using the labels of age play, from an app for  
5 people looking to age play. She didn't go searching for a  
6 predator on an AOL chatroom. She wasn't on social media, on  
7 Facebook or Instagram, places where you might think a real  
8 child molester might be lurking. She went on KinkD, an  
9 adult-dating app for people who role-play, for people who like  
10 fantasy, for adults who are looking for other adults. You'll  
11 hear that the undercover officer talked to Mr. Bright for days,  
12 using this language of age play before she gave him any reason  
13 to believe she was talking about real kids.

14 Now, the first sign that something might be off came  
15 in a phone call, a call between Mr. Bright and this undercover  
16 officer. Mr. Bright will tell you that during this call, he  
17 thought this Princessmom person sounded a little different, a  
18 little off for age play. And then she sent three photos. She  
19 sent a photo of herself, a blond attractive woman in her mid  
20 30s, and she sent two photos of children, what looked like they  
21 could be real children. Now, Mr. Bright was confused. He was  
22 upset. Before these red flags, it never crossed his mind that  
23 Princessmom could be a real mother looking for someone to  
24 molest her real children. Before these red flags, their  
25 conversations had just been like other age-play conversations

K3ALBRI5

1 he'd had with other adults. But now Mr. Bright feared that  
2 Princessmom was a real mother, a real predator, and so he  
3 decided that he was going to figure out if exactly what she was  
4 up to, he had to keep her talking, he had to gather some  
5 evidence, he had to meet her and record everything. This way,  
6 if Princessmom turned out to be a real predator, he had the  
7 best evidence to turn her in. So that's what he did.

8 Mr. Bright made a plan to meet Princessmom in a park,  
9 in Duane Park. He got there a little bit early and he waited.  
10 And you'll hear that he set his phone to record. You'll get a  
11 chance to listen to this recording. You'll hear Mr. Bright  
12 wonder out loud of a possibility of a mother going against  
13 every maternal instinct to offer her children online to a  
14 stranger. You will hear the amazement in his voice that  
15 someone could do something so terrible so openly. And then  
16 you'll hear Princessmom arrive. And everything is going  
17 according to plan until FBI agents swarm in, surround Mr.  
18 Bright, and place him under arrest.

19 The problem, ladies and gentlemen, is they got it  
20 wrong. Mr. Bright is not a predator. He was not there to have  
21 sex with a real seven-year-old and a real nine-year-old.  
22 You'll know this from the government's own witnesses. FBI  
23 agents will get on the stand. They will tell you the very  
24 first thing they looked for in Mr. Bright's possession and  
25 devices was child pornography. And they didn't find child

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1 pornography because Mr. Bright is not attracted to children.  
2 How else will you know that he didn't show up at the park to  
3 have sex with a seven-year-old and nine-year-old? Because he  
4 wasn't hiding anything. When Mr. Bright spoke to Princessmom,  
5 this undercover officer, he used his real name, his real photo.  
6 He told her what he did for work. He told her where in  
7 Brooklyn he lived. He used his real phone number. And then  
8 when FBI agents arrested him, he continued to be an open book.  
9 He gave them access to his phone, his computer. He gave them  
10 access to his Google account. So what that means is they could  
11 search every email, search his browser history, his search  
12 list, all of his photos in his Google drive, all of the videos.  
13 He did this because he wasn't hiding anything. And he's still  
14 not hiding.

15 Mr. Bright will take the stand. He will swear to tell  
16 the truth, and then he will walk you through everything. He  
17 will talk about his kinks. He will talk about his sex life.  
18 And he will walk you through his plan to catch Princessmom.  
19 And he will tell you that when he showed up at the Duane Park,  
20 he had no intention of having sex with children. He's here,  
21 accused of something he would never do because an undercover  
22 officer made a mistake. He's never wanted to have sex with  
23 children. Mr. Bright has never had sex with children. He's  
24 never attempted to entice anyone. And after you've heard all  
25 of the evidence in this case, I will ask you to return the only

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Jensen - Direct

1 verdict consistent with that evidence, the only just verdict:  
2 Not guilty.

3 THE COURT: Thank you, Ms. Baharanyi.

4 The government may call its first witness.

5 MR. LI: Thank you. The government called Elizabeth  
6 Jensen.

7 ELIZABETH JENSEN,

8 called as a witness by the Government,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. LI:

12 Q. Good afternoon. Are you currently employed?

13 A. I am.

14 Q. Where do you work?

15 A. I work at the Federal Bureau of Investigation.

16 Q. Will you understand me if I refer to that agency as "the  
17 FBI?"

18 A. I will.

19 Q. What is your title at the FBI?

20 A. It's special agent.

21 Q. How long have you been a special agent with the FBI?

22 A. Five years.

23 Q. Are you assigned to a particular unit within the FBI?

24 A. I am.

25 Q. What is that unit?

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K3ALBRI3

Jensen - Direct

1 A. I work crimes against children.

2 Q. And what sorts of crimes against children do you  
3 investigate?

4 A. So we do overseas distribution, possession of child  
5 pornography, international parental kidnapping matters, human  
6 trafficking, enticement of minors.

7 Q. How long have you been investigating crimes against  
8 children?

9 A. Three years.

10 Q. Have you been trained in the investigation of crimes  
11 against children?

12 A. I have.

13 Q. What sorts of training have you received?

14 A. Interviews, legal, conferences, webinars, virginal  
15 academies.

16 Q. Is that a portion of the training you received or is that  
17 all of the training?

18 A. That's correct. A portion.

19 Q. Are you familiar with the term "online undercover?"

20 A. I am.

21 Q. What is an online undercover?

22 A. It's an agent typically operating online in an undercover  
23 capacity.

24 Q. In the course of your work as a special agent, have you  
25 ever operated an online undercover account?

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Jensen - Direct

1 A. I have.

2 Q. Have you been trained to operate an online undercover  
3 account?

4 A. Yes.

5 Q. What sorts of training have you received specifically for  
6 undercover operations?

7 A. So we went out of state for two weeks. We went over  
8 different investigative techniques, legal facets, operating how  
9 to. In addition, we have a platform dedicated solely to  
10 undercover. And I work in a squad where everyone around me is  
11 also undercover.

12 Q. When you operate an online undercover account, what sort of  
13 person do you pretend to be?

14 A. Typically, I'm a mom.

15 Q. And when you say you're a mother, do you, in fact, have any  
16 real children?

17 A. I do not.

18 Q. Did there come a time when you operated an online  
19 undercover account on an application called KinkD?

20 A. It has.

21 Q. What is KinkD?

22 A. KinkD is an online platform geared towards users that may  
23 have unconventional sexual desires, behaviors.

24 Q. How does a user access KinkD?

25 A. Typically, you download it from an app store.

K3ALBRI3

Jensen - Direct

1 Q. And where does one download it to?

2 A. Either their cell phone or a computer.

3 Q. How long have you operated an account on KinkD?

4 A. Almost a year.

5 Q. And what sorts of fetishes have you seen on KinkD?

6 A. We have the BDSM; you have role-play, water sports; you  
7 have spanking, different fetishes, whether like a foot fetish  
8 or a leg fetish.

9 Q. When you say "BDSM," what do you mean by that?

10 A. So it's a basically a combination of like domination,  
11 sadomasochism.

12 THE COURT: Keep your voice up please.

13 MR. LI: Ms. Fetman, can we please pull up Government  
14 Exhibit 1 for identification only?

15 BY MR. LI:

16 Q. Special Agent Jensen, do you recognize this?

17 A. I do.

18 Q. What is it?

19 A. This is my KinkD profile.

20 Q. Who took this?

21 A. Did I.

22 Q. When did you take it?

23 A. I took it in May of 2019.

24 MR. LI: Your Honor, may I proceed?

25 THE COURT: What do you mean by "proceed?"

K3ALBRI3

Jensen - Direct

1 MR. LI: I think there may be some confusion among the  
2 jury because they're not seeing anything on their screens, but  
3 I'm going through the identification process.

4 THE COURT: I understand that. You may proceed. I  
5 don't know what you mean by that question.

6 MR. LI: Sure.

7 BY MR. LI:

8 Q. Is this a fair and accurate reproduction of the screenshot  
9 you took?

10 A. That's correct.

11 MR. LI: The government offers Government Exhibit 1.

12 THE COURT: Any objection?

13 MS. GALLICCHIO: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 1 received in evidence)

16 MR. LI: Ms. Fetman, please publish Government Exhibit  
17 1 for the jury.

18 THE COURT: Is it up on your screens, ladies and  
19 gentlemen?

20 THE JURY: Yes.

21 THE COURT: Thank you.

22 Now. It is okay. Thanks.

23 BY MR. LI:

24 Q. Agent Jensen, when did you create this profile on KinkD?

25 A. April of 2019.

K3ALBRI3

Jensen - Direct

1 Q. Was this approved FBI undercover account?

2 A. Yes.

3 Q. Was the information shown on this screenshot visible to  
4 other KinkD users?

5 A. That's correct.

6 Q. Would you please read the text in the section "my  
7 self-summary?"

8 A. "Looking for a teacher to teach my kids about the birds and  
9 the bees."

10 Q. What were you trying to convey when you wrote that?

11 A. I was looking for someone who was interested in having  
12 sexual activity with my kids.

13 Q. Why did you not explicitly say that?

14 A. Why did I not? If you put it out too explicitly, the  
15 website will take it down.

16 Q. Are there any other reasons why you didn't explicitly write  
17 that?

18 A. Just putting it out there so obvious, it will draw  
19 attention and it won't look -- it will be taken down.

20 Q. Are the kids described in the sentence that you just real  
21 people?

22 A. Yes.

23 Q. Let me now turn your attention to the "my bio" section.

24 Do you see where it says "my role?"

25 A. I do.

K3ALBRI3

Jensen - Direct

1 MR. LI: Ms. Fetman, can we please pull up Government  
2 Exhibit 13 for identification only?

3 BY MR. LI:

4 Q. Agent Jensen, do you recognize this?

5 A. I do.

6 Q. What is it?

7 A. It's a screenshot of when you select the roles. Those are  
8 the options that you can take.

9 Q. What specifically does -- excuse me.

10 A. How do you know that?

11 A. When I set up my profile, the screen came up and I selected  
12 "mommy."

13 Q. Is this a fair and accurate reproduction of that  
14 role-selection page?

15 A. Yes.

16 MR. LI: The government offers Government Exhibit 13.

17 MS. GALLICCHIO: No objection.

18 THE COURT: Received.

19 (Government's Exhibit 13 received in evidence)

20 MR. LI: Ms. Fetman, please publish Government Exhibit  
21 13 for the jury. And if you wouldn't mind, put it side by  
22 side, Government Exhibit 1.

23 BY MR. LI:

24 Q. Special Agent Jensen, could you just explain for the  
25 benefit of the jury what we're looking at in Government Exhibit

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Jensen - Direct

1 13?

2 A. Sure. So underneath my self summary within the bio, it  
3 says "my role." And then to the right it says "mommy." When  
4 you tap to fill that in, Government Exhibit 13 is a list of  
5 those options that you can choose from.

6 Q. How many roles in total are available?

7 A. Twenty-nine.

8 Q. Are KinkD users required to select a role?

9 A. Yes.

10 Q. What was the role you selected?

11 A. I selected "mommy."

12 Q. Did you select any other roles?

13 A. No.

14 Q. Now, what did you intend to convey when you selected  
15 "mommy?"

16 MS. GALLICCHIO: Objection.

17 THE COURT: No. I'll allow it.

18 THE WITNESS: That I was a mom.

19 MR. LI: Ms. Fetman, we can take down Government  
20 Exhibit 13.

21 BY MR. LI:

22 Q. Agent Jensen, did there come a time when you began  
23 communicating on KinkD with someone using the profile name  
24 "randomanon?"

25 A. Yes.

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Jensen - Direct

1 Q. When did these communications begin?

2 A. The randomanon account contacted my account in April of  
3 2019.

4 MR. LI: Ms. Fetman, can we please pull up Government  
5 Exhibit 12 for identification only? There are three pages  
6 here, so if you could just flip through them for Agent Jensen.

7 BY MR. LI:

8 Q. Agent Jensen, do you recognize this document?

9 A. I do.

10 Q. What is it?

11 A. This is the profile of the randomanon account on KinkD.

12 Q. And who took these screenshots?

13 A. I did.

14 Q. Is this a fair and accurate reproduction of the screenshots  
15 you took?

16 A. That's correct.

17 MR. LI: The government offers Government Exhibit 12.

18 MS. GALLICCHIO: No objection.

19 THE COURT: Received.

20 (Government's Exhibit 12 received in evidence)

21 MR. LI: Ms. Fetman, please publish Government Exhibit  
22 12 side by side with Government Exhibit 1.

23 BY MR. LI:

24 Q. Agent Jensen, do you see a photograph on the top of  
25 Government Exhibit 12?

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Jensen - Direct

1 A. I do.

2 Q. Who posted that photograph?

3 A. The user of the randomanon account.

4 Q. Was that photograph public or was it private?

5 A. It's public.

6 MR. LI: Ms. Fetman, please turn to the second page of  
7 Government Exhibit 12.

8 BY MR. LI:

9 Q. Agent Jensen, do you see in the "my bio" section where it  
10 says "my role?"

11 A. I do.

12 Q. What roles did the randomanon user select?

13 A. It states "dominant," "master," "fetishist," "kinkster,"  
14 "age player," "daddy," "hedonist," "vanilla," and then a "TO"  
15 ellipsis.

16 Q. What do you understand "master" to mean?

17 A. Someone that has ownership of somebody within the  
18 relationship.

19 Q. In this context, what do you understand "vanilla" to mean?

20 A. Someone that may have conventional sexual tastes and  
21 desires.

22 Q. And in this context, what do you understand "age player" to  
23 mean?

24 A. Someone that role-plays typically within the relationship.

25 Q. And what specific kinds of roles do they play?

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Jensen - Direct

1 A. Different ages.

2 Q. Did you select "age player" in your profile?

3 A. I did not.

4 Q. What was the role you selected?

5 A. "Mommy."

6 MR. LI: Ms. Fetman, let's turn to the third page of  
7 Government Exhibit 12.

8 BY MR. LI:

9 Q. Agent Jensen, do you see at the very bottom of Government  
10 Exhibit 12 an age range?

11 A. I do.

12 Q. What is the age range that the randomanon user selected?

13 A. Eighteen to 99.

14 Q. Is it possible to select an age lower than 18?

15 A. No.

16 MR. LI: Ms. Fetman, we can take down Government  
17 Exhibits 1 and 12.

18 Let's pull up Government Exhibit 2A through 2D for  
19 identification only.

20 BY MR. LI:

21 Q. Agent Jensen, please take a look at these exhibits.

22 Do you recognize them?

23 A. I do.

24 Q. What are these?

25 A. These are screenshots of the KinkD communications between

K3ALBRI3

Jensen - Direct

1 myself and the randomanon account.

2 Q. Who took these screenshots?

3 A. I did.

4 Q. Are these fair and accurate reproductions of the  
5 screenshots you took?

6 A. Yes.

7 MR. LI: The government offers Government Exhibit 2A  
8 through 2D.

9 MS. GALLICCHIO: No objection.

10 THE COURT: Received.

11 (Government's Exhibit 2A-2D received in evidence)

12 MR. LI: Ms. Fetman, please publish Government Exhibit  
13 2A for the jury.

14 BY MR. LI:

15 Q. Agent Jensen, let me direct your attention to the top part  
16 of the screen.

17 Do you see a small photograph and a text "randomanon?"

18 A. I do.

19 Q. Is that the account with which you were communicating?

20 A. That's correct.

21 Q. Let me direct your attention now to the first, white, chat  
22 bubble on the left.

23 Do you see that?

24 A. I do.

25 Q. Who wrote that message?

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Jensen - Direct

1 A. That message came from the randomanon account.

2 Q. Throughout this KinkD exchange, were all the messages in  
3 the white bubble on the left sent by the randomanon account?

4 A. That's correct.

5 Q. Now, do you see the messages in the blue bubbles to the  
6 right?

7 A. I do.

8 Q. Who sent those messages?

9 A. I did.

10 Q. Throughout this KinkD message exchange, were all of the  
11 messages in the blue bubbles on the right sent by you?

12 A. Yes.

13 Q. How does this KinkD conversation begin?

14 A. It states: "Hi, I'm Peter. Can you elaborate a little  
15 further on your profile?"

16 Q. Was this the first message between you and Peter on KinkD?

17 A. That's correct.

18 Q. When did Peter send that first message?

19 A. April 18th, 2019, at 11:29 a.m.

20 Q. When did you respond to that first message?

21 A. May 1st, 2019, at 7:40 a.m.

22 Q. Would you please read your messages to Peter shown on this  
23 screenshot?

24 A. "Hi, Peter. Sorry, I was swamped with finals but free to  
25 discuss now. My princess is seven and my prince charming is

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Jensen - Direct

1 nine."

2 Q. What did you intend to convey when you wrote, "My princess  
3 is seven?"

4 A. The age of my purported seven-year-old daughter.

5 Q. What did you intend to convey when you wrote, "My prince  
6 charming is nine?"

7 A. The age of my purported son.

8 Q. Why did you provide that information?

9 A. In his message it says: "Can you elaborate a little  
10 further on your profile?" And my profile's limited. It has  
11 kids and the birds and the bees, so I chose to tend to the  
12 kids.

13 MR. LI: Ms. Fetman, could you please pull up  
14 Government Exhibit 1 be side by side?

15 BY MR. LI:

16 Q. Agent Jensen, what portion of your profile did you  
17 understand Peter to be asking for elaboration on?

18 A. My self-summary section.

19 Q. And what was the elaboration you provided?

20 A. The ages of my purported children.

21 Q. Did you also tell him their genders?

22 A. Yes.

23 MR. LI: Ms. Fetman, if we can take down Government  
24 Exhibit 1. Let's go to Government Exhibit 2D, which is in  
25 evidence.

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Jensen - Direct

1 BY MR. LI:

2 Q. Agent Jensen, please read Peter's first two messages on the  
3 top left here.4 A. It says: "No worries. I hope everything went okay. Okay.  
5 And they need educating?"6 Q. What did you understand Peter to mean when he asked "And  
7 they need educating?"

8 MS. GALLICCHIO: Objection.

9 THE COURT: What did you understand his message? What  
10 did it mean to you? What did you read from that?11 THE WITNESS: I understood that as him asking about  
12 teaching the kids about the birds and the bees.

13 BY MR. LI:

14 Q. And when you say "the birds and the bees," what do you mean  
15 by that?

16 A. Sexual activity with the children.

17 Q. Are the kids real?

18 A. No.

19 Q. Did there come a time when you and Peter moved your  
20 conversation off KinkD and onto another platform?

21 A. Yes.

22 Q. What platform did you use?

23 A. We moved over to WhatsApp

24 Q. What is WhatsApp?

25 A. WhatsApp is an online messaging app where users can send

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Jensen - Direct

1 videos, image, texts.

2 Q. Are messages on WhatsApp encrypted?

3 A. Yes.

4 Q. Are messages on WhatsApp transmitted over the internet?

5 A. Yes.

6 Q. How does a user access WhatsApp?

7 A. Download it to your phone or computer, and then it gets  
8 installed.

9 Q. How are users identified on WhatsApp?

10 A. By their telephone numbers.

11 MR. LI: Ms. Fetman, please turn to Government Exhibit  
12 2D, which is in evidence.

13 BY MR. LI:

14 Q. Agent Jensen, could you please read Peter's final message  
15 on the bottom here.

16 A. Okay. My WhatsApp number is (832) 907-0710.

17 Q. Did you communicate with Peter using that telephone number  
18 on WhatsApp?

19 A. That's correct.

20 Q. Agent Jensen, do you have a binder in front of you?

21 A. Not that I see.

22 MR. LI: Your Honor, may I approach?

23 THE COURT: You may.

24 BY MR. LI:

25 Q. Agent Jensen, let me direct your attention to what is

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Jensen - Direct

1 marked in your binder as Government Exhibit 3A through 30.

2 Do you recognize these exhibits?

3 A. I do.

4 Q. What are they?

5 A. These are the text message communications between myself  
6 and the 832 number on WhatsApp.

7 Q. Did they also include the attachments to those  
8 communications?

9 A. That's correct.

10 Q. Where did these chats and attachments come from?

11 A. They came from my undercover cell phone.

12 Q. Are there any redactions in the exhibits in front of you?

13 A. There are.

14 Q. Other than the redactions, are the extracted chat messages  
15 and attachments in Government Exhibits 3A through 30 a fair and  
16 accurate representation of the chats and attachments that you  
17 actually exchanged with Peter?

18 A. Yes.

19 Q. And how do you know that?

20 A. I sent them, I reviewed them, and I initialed them.

21 MR. LI: The government offers Government Exhibits 3A  
22 through 30.

23 MS. GALLICCHIO: No objection.

24 THE COURT: All right. Received.

25 (Government's Exhibit 3A-30 received in evidence)

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Jensen - Direct

1                   THE COURT: Ladies and gentlemen, a redaction is the  
2 removal of irrelevant material. This is done through a process  
3 which is subject to the Court's supervision. So any redacted  
4 or blacked-out material is deemed to be irrelevant, and you  
5 should not speculate or dwell upon why that may be the case.

6                   Go ahead. You may publish.

7                   MR. LI: Ms. Fetman, please publish Government Exhibit  
8 3A for the jury.

9 BY MR. LI:

10 Q. Agent Jensen, what is this?

11 A. This is the extraction for the text message communications  
12 on WhatsApp between myself and the 832 telephone number.

13 Q. What is an extraction?

14 A. So basically we have an undercover cell phone. We take a  
15 file system extraction of the data. And this is an extraction  
16 from that report.

17 Q. Let me direct your attention to the participant section at  
18 the top of the page.

19                   Do you see a small photograph and a text, 1(832)  
20 907-0710? And it goes on. Do you see that?

21 A. Do I.

22 Q. Is the number (832) 907-0710, the same phone number that  
23 randomanon provided you on KinkD?

24 A. Yes.

25 Q. Do you see a small photograph on the participants box next

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Jensen - Direct

1 to the text we just read?

2 A. I do.

3 Q. Is that the profile picture corresponding to the 832  
4 account?

5 A. That's correct.

6 Q. Who sets a profile picture for a WhatsApp account?

7 A. The user of that account.

8 MR. LI: Ms. Fetman, please publish Government Exhibit  
9 3B, that's in evidence, side by side.

10 BY MR. LI:

11 Q. Agent Jensen, what is Government Exhibit 3B?

12 A. That's a larger photograph of the smaller photograph found  
13 in the participant section.

14 MR. LI: With permission of the Court, I'll now read  
15 Government Exhibit 101, which is a stipulation between the  
16 parties.

17 THE COURT: All right.

18 Ladies and gentlemen, a stipulation is an agreement  
19 between the parties that a certain fact is true. And you must  
20 establish that fact as having been proven. However, the  
21 weight, if any, to be given to that fact is entirely up to you  
22 to decide.

23 Go ahead.

24 MR. LI: I'm reading now from Government Exhibit 101:  
25 "It is hereby stipulated and agreed by and between the

K3ALBRI3

Jensen - Direct

1       United States of America, by Geoffrey S. Berman, United States  
2       attorney for the Southern District of New York; Alexander Li  
3       and Timothy Howard, assistant United States attorneys of  
4       counsel; and Peter Bright, by and through his counsel, Amy  
5       Gallicchio, Esq. and Zawadi Baharanyi, Esq. as follows:

6           Paragraph one, records from the cellular telephone  
7       provider, T-Mobile U.S. Inc., indicate that between at least  
8       May 1, 2019 and May the 21, 2019, the customer name associated  
9       with the telephone number, 832-907-0710, was 'Peter Bright.'

10          It is further stipulated and agreed that this  
11       stipulation, Government Exhibit 101, is admissible as  
12       government exhibit at trial."

13          The government offers Government Exhibit 101.

14          MS. GALLICCHIO: No objection.

15          THE COURT: Received.

16          (Government's Exhibit 101 received in evidence)ing  
17       BY MR. LI:

18       Q. Agent Jensen, in the course of your investigation, did you  
19       come to meet Peter Bright in person?

20       A. I did.

21       Q. Is the person you met also the same person in Government  
22       Exhibit 3B?

23       A. Yes.

24       Q. Do you see that same person here in the courtroom today?

25       A. I do.

K3ALBRI3

Jensen - Direct

1 Q. Could you please identify that person by location and an  
2 article of clothing?

3 A. Sure. He's sitting at the second table wearing the white  
4 shirt and the gray jacket.

5 MR. LI: Identifying the defendant, your Honor.

6 THE COURT: Yes. So noted.

7 MR. LI: Ms. Fetman, if we can take down Government  
8 Exhibit 3B. Thank you.

9 BY MR. LI:

10 Q. So turning back to Government Exhibit 3A, Agent Jensen, do  
11 you see the second blue bubble on the left, dated May 14th,  
12 2019, at 8:12 p.m.?

13 A. I do.

14 Q. What does that message say?

15 A. It says: "Hi there. I'm from KinkD."

16 Q. And above the text of that message, do you see the small  
17 title 1(832) 907-0710, and it goes on? Do you see that?

18 A. I do.

19 Q. Turning now to the right-hand side of the page.

20 Do you see a text bubble in green?

21 A. I do.

22 Q. What does that text bubble say?

23 A. "Hey there."

24 Q. Who sent that message?

25 A. I did.

K3ALBRI3

Jensen - Direct

1 Q. Throughout this WhatsApp exchange, were all of the text  
2 messages in the green bubble on the right sent by you?

3 A. Yes.

4 Q. And throughout this WhatsApp exchange, were all of the text  
5 messages in blue bubbles to the left sent by Peter?

6 A. Yes. They all came from the 832 number.

7 Q. Let me turn your attention now to the redacted black box  
8 above the text "Hey there."

9 You see that redacted black box?

10 A. I do.

11 Q. What's been redacted?

12 A. Undercover telephone number.

13 Q. And turning your attention now to the top part of the  
14 exhibit under the section participants.

15 Do you see two additional black box redactions?

16 A. I do.

17 Q. What has been redacted there?

18 A. Again, my undercover telephone number and then the name of  
19 the account, my undercover name.

20 MR. LI: Ms. Fetman, let's turn to page two please.

21 BY MR. LI:

22 Q. Agent Jensen, I'll read the text in the blue boxes. And if  
23 you wouldn't mind, please read the text in the green boxes.  
24 I'll start from the last blue bubble on the left, which is  
25 dated May 15, 2019 at 10:40 a.m. Reading from that box:

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K3ALBRI3

Jensen - Direct

1                   "So I'd have love to hear more about what you're  
2 looking for."

3 A. "We used to have a very hands on and patient teacher who  
4 taught them how to please and be pleased. But he left and now  
5 we're back to square one. You have any teaching experience?"

6 Q. "A little. Yes. Teaching girls about the changes their  
7 bodies go through, that kind of thing. Helping them learn how  
8 to use their bodies or those of other people."

9 A. "Hmmm. We may be looking for different things."

10 Q. "I think teaching them how to please and be pleased is very  
11 much the same kind of thing. That's what I mean by using their  
12 bodies."

13 A. "Oh, then yes. We may be on the same page. I really want  
14 my little princess to learn how to be a good girl and  
15 understand how to feel good."

16 Q. "To teach her how best to pleasure boys and how to get  
17 herself off? That kind of thing sounds very much like what  
18 I've done before and what I'm looking to do."

19                   We can stop there.

20                   MR. LI: Ms. Fetman, let's turn to page eight, please.

21 BY MR. LI:

22 Q. Agent Jensen, please read the green boxes, starting with  
23 the second-to-last one on the right, which is dated May 15th,  
24 2019, at 11:31 a.m., and I'll continue to read the blue boxes  
25 on the left.

K3ALBRI3

Jensen - Direct

1 A. "When did you last teach a little girl? I don't want just  
2 anyone teaching them."

3 Q. "I have a girl I've been teaching off and on for a couple  
4 of months now. But she's in the Bronx, which makes logistics a  
5 little harder."

6 A. "As old as my princess."

7 Q. "A bit older. Eleven."

8 A. "Ahh, okay. A little bit. What are you good at teaching.  
9 We have started the basics with Kayla."

10 Q. Let's stop there. Who is Kayla?

11 A. Kayla is my purported daughter.

12 Q. And when you say "purported daughter," is she a real  
13 person?

14 A. No.

15 Q. What was her purported age?

16 A. Seven.

17 Q. Did you tell Peter her age?

18 A. Yes.

19 Q. What was the name of your purported son?

20 A. Brayden.

21 Q. And what was his purported age?

22 A. Nine.

23 Q. Did you tell Peter Brayden's purported age in the KinkD  
24 app?

25 A. Yes.

K3ALBRI3

Jensen - Direct

1 Q. Let's continue reading where we left off. Let's turn to  
2 page ten, please.

3 So I'm picking up now with Peter's message on May 15,  
4 2019, at 11:37 a.m.

5 "I think masturbation and anal sex are probably my  
6 favorite subjects. Helping girls find those special places to  
7 touch is very rewarding. Especially as so many grow up without  
8 ever really learning these things."

9 A. "You took the words right out of my mouth."

10 MR. LI: We can stop there.

11 Ms. Fetman, let's turn to page 11, please.

12 BY MR. LI:

13 Q. Agent Jensen, if you could begin with the second-to-last  
14 screen box on the right, dated May 15, 2019, at 11:48 a.m.?

15 A. "You teach boys too about anal? He definitely needs a  
16 lesson in preparation, lol."

17 Q. "So learning about lube, gently getting the anus more  
18 relaxed and open, this is so important."

19 A. "How did the 11-year-old like anal. Were you a good  
20 teacher?"

21 Q. "I think boys need to be taught about it because I've heard  
22 so many horror stories from girls with uneducated boys. We're  
23 still going slow on that front, getting her comfortable with  
24 touching that part, exploring it with her fingers."

25 A. "Yeah. They rip the inside, and just force it in."

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K3ALBRI3

Jensen - Direct

1 Q. "Yeah. And it puts girls off it for life. Such a waste."

2 MR. LI: Let's stop there.

3 Ms. Fetman, let's turn to page 14.

4 BY MR. LI:

5 Q. Agent Jensen, if you could begin with the last green box on  
6 the right, which is dated May 15th, 2019, at 11:55 a.m.

7 A. "How do you teach?"

8 Q. "In the past it's been one on one in a bedroom setting. I  
9 do find the idea of teaching two together is very exciting."

10 A. "Would that be too much for you?"

11 Q. "I don't think so."

12 MR. LI: We can stop there.

13 Ms. Fetman, let's turn to page 18, please.

14 BY MR. LI:

15 Q. Agent Jensen, do you see the first blue bubble to the left,  
16 which is dated May 15th, 2019, at 12:14 p.m.?

17 A. I do.

18 Q. What is the content of this message?

19 A. This is an STD test screenshot.

20 Q. Who sent you that screenshot?

21 A. Peter.

22 MR. LI: Ms. Fetman, let's pull up Government Exhibit  
23 30, which is in evidence and put it side by side.

24 BY MR. LI:

25 Q. Agent Jensen, what is Government Exhibit 30?

K3ALBRI3

Jensen - Direct

1 A. The same shot that's in the text message. And it has the  
2 STD panel.

3 Q. Has personal information on this image been redacted?

4 A. Yes.

5 Q. Other than the redactions, is Government Exhibit 30, the  
6 same image that Peter sent you, in the WhatsApp chat?

7 A. Yes.

8 MR. LI: Ms. Fetman, let's take down Government  
9 Exhibit 30 and replace it with Government Exhibit 31, which is  
10 in evidence.

11 BY MR. LI:

12 Q. Agent Jensen, what is Government Exhibit 31?

13 A. This is a screenshot of the attachment and text message,  
14 and it's the HIV screenshot.

15 Q. Has personal information on this attachment been redacted?

16 A. Yes.

17 Q. And other than the redactions, is Government Exhibit 31  
18 another image that Peter sent you in the WhatsApp chat?

19 A. That's correct.

20 Q. Did you ask Peter to send you STD tests?

21 A. I did.

22 Q. Why did you ask Peter to send you STD tests?

23 A. Two reasons. As a mom, I wanted to make sure they were  
24 clean, no diseases. And then second reason, it's another overt  
25 act to show interest in sexual activity with the children.

K3ALBRI3

Jensen - Direct

1 Q. And when you say "mom," you mean in your undercover  
2 capacity, or as a real mom?

3 A. No. Undercover capacity.

4 (Continued on next page)

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K3AKBRI4

Jensen - Direct

1 MR. LI: Ms. Fetman, let's take down Government  
2 Exhibit 3I.

3 BY MR. LI:

4 Q. So turning back to Government Exhibit 3A, which are the  
5 chats, let's turn to page 32, please.

6 Agent Jensen, do you see the first blue bubble to the  
7 left, which is dated May 16, 2019, at 12:14 p.m.?

8 A. I do.

9 Q. What is the content of that message?

10 A. This is a photo.

11 Q. Who is it a photo of?

12 A. Of Peter.

13 MR. LI: Ms. Fetman, please pull up Government Exhibit  
14 3H, which is in evidence, and let's put it side by side.

15 Q. Agent Jensen, what is Government Exhibit 3H?

16 A. Just a bigger photo of the attachment in the text messages,  
17 and it's a photo of Peter.

18 MR. LI: All right, Ms. Fetman. We can take down  
19 Government Exhibit 3H.

20 Q. So, turning back to Government Exhibit 3A, Agent Jensen,  
21 could you please read the last green bubble on the right, which  
22 is dated May 16, 2019, at 12:23 p.m.

23 A. "You are not old. How old are you?"

24 Q. And what does Peter respond?

25 A. "Thirty-eight."

K3AKBRI4

Jensen - Direct

1 Q. Let's turn to page 46, please.

2 Agent Jensen, let's continue reading, beginning with  
3 the second green chat bubble to the right, which is dated May  
4 16, 2019, at 3:48 p.m.

5 A. "You found out what kind of lesson you would like to start  
6 with? Anything excite you?"

7 Q. "It really depends on their experience, but I'm thinking  
8 maybe something involving foreskin is the way to start."

9 Let's stop there.

10 Agent Jensen, whose foreskin did you understand Peter  
11 to be referring to?

12 A. His own.

13 Q. Let's continue. I'm on Peter's message, now at May 16,  
14 2019, at 3:51 p.m.

15 "Because it's still kind of unusual over here. Yeah,  
16 I think it is kind of rare here.

17 A. "Does the other girl you teach like it?"

18 Q. "Yes. In fact, every American I've been with except one  
19 enjoyed it. But the one? We were back at her place, we got  
20 naked and she said no because I wasn't circumcised. Much eye  
21 rolling there."

22 A. "Wow! Really? Why did she say no?"

23 Q. "She thought it looked 'wrong,' had never seen one before."

24 A. "What a bitch. LOL."

25 Q. "Yeah, it was pretty ridiculous."

K3AKBRI4

Jensen - Direct

1 A. "Kayla and Braydon will be delighted to be taught about it.  
2 Very inquisitive and good students LOL."

3 Q. "Cool. Let them handle it, see how it pulls back,  
4 et cetera."

5 Let's stop there.

6 MR. LI: Ms. Fetman, we can take down Government  
7 Exhibit 3A for now.

8 Q. Agent Jensen, did there come a time when you and Peter  
9 arranged a telephone call?

10 A. Yes.

11 Q. When was the call?

12 A. May 17th, 2019.

13 Q. Was the call recorded?

14 A. Yes.

15 Q. Who recorded it?

16 A. I did.

17 Q. Agent Jensen, you'll find in your binder what's been marked  
18 for identification as Government Exhibit 5. Do you see that  
19 disk?

20 A. I do.

21 Q. Do you recognize the disk?

22 A. I do.

23 Q. What is it?

24 A. This is different clips from that recording on May 17,  
25 2019.

K3AKBRI4

Jensen - Direct

1 Q. How do you know that?

2 A. I listened to it, and I initialed it.

3 Q. Based on your review, are the clips on the disk true and  
4 accurate excerpts from your recorded telephone call with Peter?

5 A. Yes.

6 MR. LI: The government offers Government Exhibit 5  
7 and the exhibits that are on it, which are numbered Government  
8 Exhibits 5A through 5D.

9 MS. GALLICCHIO: No objection.

10 THE COURT: Received.

11 (Defendant's Exhibits 5, 5A through 5D received in  
12 evidence)

13 MR. LI: Ms. Fetman, can we please pull up, for  
14 identification only, Government Exhibit 5T.

15 Q. There's also a copy in your binder, if that's easier for  
16 you, Agent Jensen.

17 Agent Jensen, do you recognize Government Exhibit 5T?

18 A. I do.

19 Q. What is it?

20 A. This is the transcript from undercover telephone call, the  
21 segments.

22 Q. Have you reviewed this transcript in advance of your  
23 testimony today?

24 A. I have.

25 Q. Is it a fair and accurate transcription of the clips on

K3AKBRI4

Jensen - Direct

1 Government Exhibit 5?

2 A. Yes.

3 MR. LI: The government offers Government Exhibit 5T  
4 as an aid for the jury.

5 MS. GALLICCHIO: No objection.

6 THE COURT: All right received.

7 (Defendant's Exhibit 5T received in evidence)

8 THE COURT: Ladies and gentlemen, let me tell you  
9 about the use of the transcript. The transcript is not  
10 evidence of what was said on the call. The recording is the  
11 evidence of what was said on the call. The transcription is an  
12 aid to your listening to the call. If you find a variance  
13 between what you hear on the call and the transcript, it's what  
14 you hear on the call.

15 Proceed.

16 MR. LI: Ms. Fetman, please publish government exhibit  
17 5T for the jury, and please play Government Exhibit 5A.

18 (Audio played)

19 Q. Agent Jensen, what is the video shown in this clip?

20 A. At the time of the call, all I had is my cell phone, so I  
21 took a video recording of the audio. And that's the video you  
22 see.

23 Q. And what is showing on that video?

24 A. My "like."

25 Q. Are you the woman on the call?

K3AKBRI4

Jensen - Direct

1 A. That's correct.

2 MR. LI: Ms. Fetman, please play Government Exhibit  
3 5A2.

4 (Audio playback)

5 MR. LI: Ms. Fetman, please play Government Exhibit  
6 5B.

7 (Audio playback)

8 MR. LI: Ms. Fetman, please play Government Exhibit  
9 5C.

10 (Audio playback)

11 MR. LI: Ms. Fetman, please play Government Exhibit  
12 5D.

13 (Audio playback)

14 MR. LI: We can take that down.

15 Q. Agent Jensen, after your phone call with Peter on May 17,  
16 2019, did you continue to communicate with each other?

17 A. We did.

18 THE COURT: All right.

19 Ladies and gentlemen, we are going to end the day  
20 right here. I feel like I've known you for much of my life --  
21 I feel like you've been in my courtroom for the longest  
22 while -- but we only really met this morning.

23 So, what did I tell you that is so vitally important  
24 for you to remember tonight? That is, you do not discuss the  
25 case with anyone. When you go home, you may report to your

K3AKBRI4

Jensen - Direct

1 family, "I was selected to be on a jury." "What's it about?  
2 What kind of a case?" You will report that you're under the  
3 judge's instructions not to talk about the case, that the case  
4 is not a long trial, and that as soon as it's over, you'll be  
5 happy to discuss it with them. Remember what I said about a  
6 little bit of mystery in life.

7 The other thing is to keep an open mind.

8 Now, tomorrow you're going to arrive here so we can  
9 get a good 10:00 a.m. start. That means you really have to be  
10 going through security at ten to 10:00 or so, so that you can  
11 get up here to get a good start.

12 Get a good night's sleep, put this case out of your  
13 mind, keep an open mind because there's so much more to come,  
14 and have a pleasant evening.

15 Thank you very much, ladies and gentlemen. And  
16 remember, when you arrive in the morning, you do not discuss  
17 the case. Thank you.

18 (Jury not present)

19 THE COURT: Have a pleasant evening.

20 MR. LI: Thank you, your Honor.

21 MR. MAIMIN: Thank you. You too, Judge.

22 MS. GALLICCHIO: Thank you, your Honor.

23 (Adjourned to March 10, 2020 at 10:00 a.m.)

24 \* \* \*

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